

Claims 1, 2, 4, 5, and 8-10 are rejected under 35 U.S.C. §102(b) as being anticipated by Reilly U.S. Patent No. 5,826,346. This rejection is respectfully traversed.

By this Amendment, claims 1-10 have been cancelled without prejudice or disclaimer and new claims 19-30 have been added. New claims 19-30 contain essentially same subject matter as cancelled claims 1-10, however, new claims 19-30 have been written to further clarify the claimed invention.

Reilly discloses a standard steel scale 60 which is conventionally available to toolmakers and mechanics. See col. 3, line 56- col. 4, line 7. Reilly further discloses that the scale is held firmly in place in a slot 58 in the gauge body 12 by means of a magnetic strip 62 and additional locking cams 64. As such, Reilly clearly discloses an eye-readable ruler type scale that is employed in a gauge of limited length. This is in sharp contrast to the claimed invention, which comprises a measurement apparatus having a measurement scale readable by a readhead, an elongated channelled track for holding the scale and magnetic attraction.

The engineer's rule of Reilly is not the "readhead" readable type rule of the claimed invention. Further, the gauge shown in Reilly has a body with a limited length and is clearly not elongate. Moreover, the magnetic feature of the claimed invention does not merely function to hold the scale in place while it is fixed by other means, as taught by Reilly. Instead, the magnetic feature of the claimed invention is essential to hold down the scale while allowing the elongate track to move, for example due to thermal expansion, while in use without distorting the scale. Thus, the correct gap between the scale in the readhead is ensured.

For the above reasons, the Applicants submit that Reilly fails to disclose each and every feature of the claimed invention and therefore cannot be used to sustain a rejection under 35 U.S.C. §102(b). Allowance of new claims 19-30 is respectfully solicited.

The Office Action rejects claims 3, 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over Reilly U.S. Patent No. 5,826,346. This rejection is respectfully traversed.

By this Amendment, claims 3, 6 and 7 have been cancelled without prejudice or disclaimer. However, new claims 21, 24 and 25 have been added. These claims contained essentially the same subject matter as cancelled claims 3, 6 and 7.

It is submitted that these claims are allowable for their dependency on allowable base claim for the additional features recited therein. It is further asserted that one skilled in the art would not be motivated to combine the features of Reilly with other teachings, because Reilly relates to a different field of technology than the claimed invention. The Applicants further asserts that Reilly fails to disclose neither the problems nor the solutions associated with holding a precision scale in an elongate track. Allowance of new claims 21, 24 and 25 is respectfully solicited.

In view of the foregoing, reconsideration of the application is requested. It is submitted that the claims as presented herein patentably distinguished over the applied references. Accordingly, allowance of claims 19-30 is respectfully solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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